RECOMMENDATION #2: Inspections and testing of schools for PCB hazards should be mandatory to ensure that the identification of such hazards is not left to chance. This could be accomplished through an amendment to Asbestos Hazard Emergency Response Act to extend and update requirements that are already in place for asbestos in schools to PCBs. In the meantime and at a minimum, the EPA should update its testing guidance to encourage inspections of all schools built or retrofitted between 1950 and 1979, and improve its efforts to communicate testing guidance to states, local education agencies, and schools with potential PCB hazards.

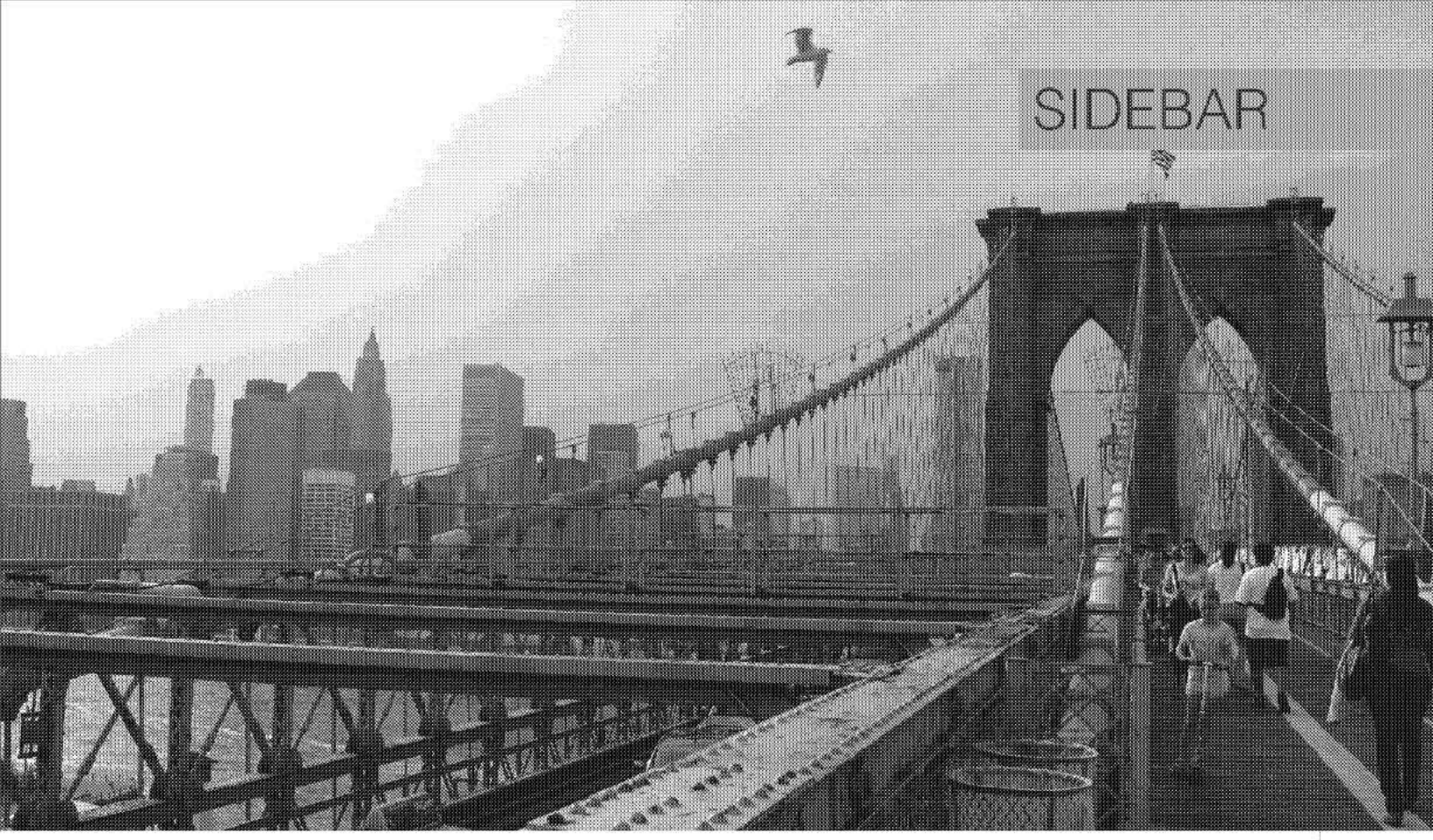
KEY FINDING #3

There is a lack of transparency and inconsistent communication between schools with a potential PCB hazard, the EPA, states, and those who may be affected by a PCB hazard in a school.

Asbestos Management Plans required under AHERA[41] provide parents, teachers, and other school employees with the opportunity to learn of the actions taken to prevent or reduce an asbestos hazard in schools. In addition, schools must annually notify parents, teachers, and employee organizations on the availability of a school's plan and any action taken or planned with regards to an asbestos hazard. However, there are currently no similar regulations that govern the communication of PCB hazards in schools. Except under specific cleanup and disposal circumstances, schools are not even required to notify the EPA of PCB hazards in schools, and most states have no requirement to notify anyone else. As a result, there are many examples of schools and school districts not being transparent with teachers, parents, and employees during PCB-remediation projects. For example:

- In the 2013 Malibu High School case in California, parents have raised concerns with a lack of communication and parental notification throughout the case, and a non-transparent remediation planning process.[42]
- In summer 2016 in Boulder, Colorado, school officials publically stated that a PCB hazard was "contained," but did not reveal the exact remediation steps that were taken.[43] Questions of who is ultimately responsible for ensuring student safety by a news outlet reveal a lack of communication among all agencies involved, and also reveal that no federal or state agency is clearly taking responsibility for inspection of and remediation for PCB hazards in schools.
- Parents protested outside a New York City Council meeting in September of 2011 urging the Council to take up bill that would require parents, teachers, and employees to be notified if a PCB hazard is found in their school in response to PCB-containing fluorescent light ballasts being found in schools across the city. The bill's consideration occurred when the city was also facing criticism because parents and teachers were reportedly not notified for over six months when trichloroethylene (a known carcinogen) was discovered in a Bronx school.[44] The bill passed the Council and was signed into law in December 2011.[45]

States also generally do not have information readily available on PCB hazards. The survey of state (including the District of Columbia) websites (Table 2 on *page 12*) revealed the following regarding the communication of PCB hazards:



New York City, New York

A 2008 *New York Daily News* investigation found that eight of nine randomly-selected schools had PCB-containing building materials or fluorescent light ballast,[91] first revealing the problem of PCBs in the New York City School district, the largest public school system in the United States.[92] The investigation was based on tests provided by a third party to the newspaper. As a result, the City of New York, the New York City School Construction Authority, and the EPA agreed to conduct a pilot study to survey five New York City Schools to test for the presence of PCB hazards in the schools.[93] This was the first official PCB investigation of a whole U.S. school system. The study found PCB-containing caulk and in fluorescent light ballast in the first three schools they tested and PCBs in the air above safe levels as determined by the EPA.

The EPA then went on to collect 145 samples from light fixtures at seven New York City School locations. After the EPA confirmed PCB concentrations above the EPA regulatory limit in 113 of the samples,[94] the New York Department of Education (NYDOE) conducted a series of surveys, concluding in June of 2011, and found that 754 school buildings had light fixtures with potentially-PCB-containing ballast.[95] The NYDOE initially set a ten-year timeline to allow for the replacement of all PCB-containing light fixtures in the public school buildings. They stated that the light fixtures would all be replaced by December 31, 2021.

In June of 2011, New York Lawyers for the Public Interest and the New York Communities for Change sued the City of New York seeking to impose a faster remediation timeline. The court ruled that the deadline for replacing light fixtures must be five years sooner, and set a deadline of December 31, 2016 for the removal of all PCB-containing light fixtures across the school system.[96] As of August 18, 2016, 697 school buildings had completed their lighting fixture replacements, leaving only 57 to be completed in the last four months of 2016.[97]